

Exhibit 5

1 People Reynolds Cross (Mr. Joseph) 866

2 Q Seeing Antron McCray at the precinct?

3 A I did have a conversation about it.

4 Q You tell us, I think you told Ms. Lederer, that

5 you didn't interview or question Antron McCray at that point

6 or at any later point; is that correct?

7 A That's correct.

8 Q You didn't have any conversation with him at that

9 point; is that correct?

10 A That's correct.

11 Q The observations, what you have just told us, you

12 saw; right?

13 A Correct.

14 Q Nothing further then that, correct?

15 A Nothing, no.

16 Q Would I be correct -- withdrawn.

17 Q You have told us on the 19th of April and into

18 April 20th, you had conversations with numerous officers,

19 police officers, detectives, concerning what was happening

20 in Central Park in the investigation you were imparting?

21 A When was this?

22 Q On April 19th and into April 20th?

23 A While we were on the street, you mean?

24 Q Yes?

25 A I didn't have any conversations with the

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2 detective.

3 Q On April 19th you didn't -- you had a conversation
4 with the sergeant; is that correct, on April 19th?

5 A Yes.

6 Q You had conversations with other police officers?

7 A Yes.

8 Q On April 20th, the morning, you did have
9 conversations with detectives as well; is that right?

10 A Yes.

11 Q Just so I'm understanding, that prior to arresting
12 any of the young men that you arrested, you had spoken to
13 police officers and sergeants, but no detectives?

14 A That's correct.

15 Q Subsequent to their arrest, then you spoke to a
16 variety of other police officers, including detectives?

17 A Yes.

18 Q Over a period of time you spoke to a Detective
19 Rosario; is that correct?

20 A Yes.

21 Q And you spoke the a Detective Farrel?

22 A Yes.

23 Q Detective Whelpley?

24 A Yes.

25 Q Were there captains also that were at the Central

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2 Park Precinct, police captains?

3 A Yes.

4 Q You spoke with them as well?

5 A Yes.

6 Q Was there a Captain Gunther?

7 A Yes.

8 Q Were there also individuals who were known as
9 chiefs, a Chief Rosenthal?

10 A Yes.

11 Q Was he at the Central Park Precinct in the morning
12 of the 20th?

13 A Yes.

14 Q Where does a chief stand in the hierarchy of the
15 Police Department?

16 A Where?

17 Q Yes?

18 A Close to the top.

19 Q I assume above a captain; is that correct?

20 A Yes.

21 Q Was there another, there were several chiefs that
22 came down to the Central Park Precinct that you spoke to on
23 the morning of the 20th; is that right?

24 A I just spoke to one, I believe.

25 Q Was there a chief Colengelo?

1 People Reynolds cross (Mr. Joseph) 869

2 A Yes.

3 Q And a Chief Selvaggi; is that correct?

4 A Yes.

5 Q They were also at the precinct in the morning of
6 April 20th?

7 A No.

9 A Yes.

10 Q So that would be in addition to Rosen, Chief
11 Rosenthal. You spoke to Chief Colengelo and a Chief
12 Selvaggi.

13 A Yes.

14 Q Now, you told us that there came a time that you
15 went to Antron McCray's home?

16 A Yes.

17 Q When you went to the home, to his home, you went
18 with numerous other police officers and detectives; is that
19 right?

20 A Yes.

21 Q I think you told us there was a detective Whelpley
22 and Farrel, Rosario, Morin?

23 A Yes.

24 Q When you went to Antron McCray's door, how many of
25 those officers went with you to the door?

1 People Reynolds Cross (Mr. Burns) 894

2 Q Now, you mentioned the presence of chiefs. More
3 than one chief in the Central Park Precinct that morning?

4 A No.

5 (Continued on next page.)

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LDI

1 T-3 Reynolds-Ppl-cross (Burns)

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2 Q Just one chief?

3 A That's it.

4 Q Were there any police brass, police officers who
5 who held the rank of above captain, were there several of
6 those officers present?

7 A Not that I saw, no.

8 Q You didn't see them?

9 A No.

10 Q Incidentally, where did you do your paperwork?

11 A The juvenile paperwork? The packages?

12 Q Yeah, you said that after you finished their
13 booking process, you then took them to the juvenile room and
14 you said the juvenile room is in a different building.

15 A That's correct.

16 Q Is that correct?

17 A That's correct.

18 Q All right. You you also stated that you had spoken
19 to a Lt. Mc Inerny, but that wasn't in the same room where
20 the juvenile room or the clerical office is, isn't that
21 true?

22 A That's true.

23 Q You saw him in the alley between the main precinct
24 and this other building, the building, the 24th or the
25 Central Park Precinct consists of two buildings; isn't that

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Burns)

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2 correct?

3 A Yes.

4 Q All right. So, are you saying there was no other
5 brass there or are you saying you didn't see them where you
6 were working?

7 MS. LEDERER: Objection.

8 THE COURT: I'll let him answer.

9 Do you understand the question?

10 THE WITNESS: Yeah.

11 A I didn't see any brass.

12 Q Where you were working?

13 A Well, yeah.

14 Q I mean --

15 A Couldn't see them anywhere else?

16 Q Well they could have been in the other building,
17 that's what I'm asking?

18 A No, I didn't see them. If they were there, I
19 didn't see them.

20 Q But you weren't in that building, that's what I'm
21 asking.

22 MR. BURNS: Objection, Judge.

23 THE COURT: Objection sustained.

24 How can he see them if he wasn't in that
25 building? The question doesn't lend itself to an

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2 answer.

3 Q Isn't it true you were in the building where the
4 juvenile room is, and you were not in the building where
5 the, where the captain of the precinct and the-- Do you
6 understand what I'm asking you?

7 A At the time that I was doing the paperwork, the
8 captain wasn't in.

9 Q Yeah.

10 A The highest ranking officer that was in the
11 precinct at that time was the lieutenant, and that was it.
12 Just one lieutenant and maybe one or two sergeants.

13 Q Okay. Did there come a time when you did see a
14 chief?

15 A Yes, one chief.

16 Q One chief. And where did you see the chief?

17 A I saw the chief in the captain's office.

18 Q And the captain's office, is that located in this
19 other main building?

20 A Yes.

21 Q And what time was it when you saw the chief?

22 A I have to look in my notes for that.

23 Q Please.

24 A That was about 12:30.

25 Q You saw the chief at 12:30?

R. C. Davis

1 T-3 Reynolds-Ppl-cross (Burns)

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2 A About 12:30.

3 Q Now, getting back to your initial observation of
4 the teenagers who were proceeding north on Central Park
5 West, where was your vehicle when you first saw them?

6 A Our vehicle was pointed west on 100th Street
7 entrance, facing towards Central Park West. That's the
8 northeast corner.

9 Q So, but you were still in the park?

10 A I don't know if you could call that in the park, we
11 were past the wall.

12 Q And on what side of Central Park West --

13 MR. BURNS: Withdrawn.

14 Q Was your vehicle parked on Central Park West?

15 A We weren't parked.

16 Q All right. Had you just exited the park at that
17 point?

18 A Yes.

19 Q And this group was still south of 100th Street?
20 I'm sorry, this group had just passed 100th Street?

21 A They were --

22 Q When you first saw them?

23 A They were going, they were on the block between
24 101st and 102nd Street, on the west side of the street.

25 Q All right. So then you were behind them?

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera)

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2 A Yes.

3 MR. BURNS: Thank you, officer Reynolds.

4 A You're welcome.

5 CROSS EXAMINATION

6 BY MR. RIVERA:

7 Q Good afternoon, officer.

8 A Good afternoon.

9 Q Officer, you testified earlier today that you saw
10 one member, one member of the Force that's a brass, that had
11 brass; is that correct?

12 A Well, what rank do you consider brass?

13 Q A chief or above?

14 A Yes, definitely yes.

15 Q And Mr. Joseph's examining of you, you also
16 testified that you saw a Chief Colengelo and a chief
17 Selvaggi; is that correct?

18 A I believe that was their names. Let me take a
19 look.

20 A Yes.

21 Q Now, could you tell us who is Chief Colengelo?

22 A He's-- Chief Colengelo?

23 Q Yes.

24 A I believe he's the chief of Manhattan North.

25 Q Okay.

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 900

2 A The Borough.

3 Q Would he be the chief of detectives?

4 A Yes. Yes, Manhattan North detectives.

5 Q And is he the chief of detectives for the City of

6 New York?

7 A Yes.

8 Q And would he be classified as brass?

9 A You could call him that.

10 Q Okay. And could you tell us who Cheif Selvaggi?

11 A He's the chief of the borough patrol.

12 Q And you also testified as to see another chief; is

13 that correct?

14 A Yes.

15 Q And do you know, do you recall the name of that

16 chief?

17 A Chief Rosenthal.

18 Q Right. And could you tell who Chief Rosenthal is?

19 A Chief of, Manhattan chief of detectives.

20 Q And did you see all three chiefs on either the 20th

21 or the 21st?

22 A I believe it was the 21st.

23 Q Okay. Did you see Chief Rosenthal on the 20th or

24 the 1?

25 A Chief Rosenthal I saw both days.

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1 T-3 Reynolds-Ppl-cross (Rivera) 901

2 Q And the other two chiefs you saw on the 21st?

3 A Yes.

4 Q Do you know or do you recall when you were apprised
5 there was a chief, that there were chiefs in the building at
6 the Central Park Precinct?

7 A Excuse me.

8 Q When with you informed that there were chiefs at
9 the Central Park Precinct, a time?

10 A I don't recall. There was only one chief at the
11 Central Park Precinct.

12 Q And did Chief Rosenthal ask you to come in and
13 speak to him?

14 A No.

15 Q You volunteered to go see Chief Rosenthal?

16 A Definitely not.

17 Q Well, there came a point in time where you saw
18 Chief Rosenthal at the captain's room; is that correct?

19 A Yes.

20 Q And the purpose of your visit to see Chief
21 Rosenthal was to tell him what you had observed on the night
22 of the 19th and 20th, is that correct?

23 A That's correct.

24 Q By the way, were there other individuals present
25 when you were speaking to Chief Rosenthal?

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 902

2 A Yes.

3 Q How many other individuals were present?

4 A I'd say maybe two, three others.

5 Q And were they also, could they also be deemed
6 police brass?

7 A The captain could be, the others weren't.

8 Q Was there a captain in the office?

9 A Yes.

10 Q And the other individuals, were they captains or
11 above?

12 A No.

13 Q They were below the rank of captain?

14 A Yes.

15 Q Outside of the precinct, were there members of the
16 press?

17 A Yes.

18 Q And how many members of the press were present
19 outside the precinct?

20 A I couldn't begin to count them.

21 Q Was it a countless number, a large number?

22 A There were a few.

23 Q When you say a few, would you classify it was less
24 than five, more than five?

25 A I don't know.

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1 T-3 Reynolds-Ppl-cross (Rivera)

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2 Q Would it be more than fifteen or twenty people that
3 were present, members of the press?

4 A I don't know.

5 Q Did you see them?

6 A I saw a couple of them.

7 Q Were they together?

8 A No, it was scattered.

9 Q Were they outside the precinct?

10 A Yes.

11 Q Okay. And when you say a couple, that would be
12 two; is that correct?

13 A Well, the ones that I saw, again, I saw maybe two,
14 maybe more.

15 Q And this would be --

16 When was the first time you saw members of the
17 press at the precinct?

18 A What time?

19 Q Yes.

20 A Maybe ten.

21 Q Ten in the morning?

22 A Maybe.

23 Q And that would be April the 20th; is that correct?

24 A That's correct.

25 Q Were you informed that members of the press were

U. C. Davis

1 T-3 Reynolds-Pl-Cross (Rivera) 904

2 waiting outside before ten o'clock in the morning?

3 A No, I just saw a truck, one of the trucks out
4 there.

5 Q I'm sorry?

6 A I saw one of their trucks.

7 Q That would be a press truck; is that correct?

8 A Yes.

9 Q And you only saw one press truck?

10 A Well, that's when I realized that they were there,
11 I saw one of their trucks.

12 Q Prior to that you had no knowledge the press was
13 interested in this case; is that correct?

14 A That's correct.

15 Q Now, you testified earlier that you saw a group
16 walking northbound on Central Park West at about 10:30 in
17 the evening; is that correct?

18 A Yes.

19 Q Okay. And that group consisted of about ten or
20 twenty people; is that correct?

21 A That is correct.

22 Q And you saw them on 101st Street going towards
23 102nd Street; is that correct?

24 A That's correct.

25 Q Now was this group walking?

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1 T-3 Reynolds-Ppl-cross (Rivera) 909

2 the Assistant District Attorneys and all sworn
3 jurors are present.

4 THE COURT: All right, good afternoon, ladies
5 and gentlemen.

6 THE CLERK: Officer Reynolds, may I remind you
7 you're still under oath.

8 THE WITNESS: Yes.

9 CONTINUING CROSS EXAMINATION

10 BY MR. RIVERA:

11 Q Officer, before we broke, you indicated to us that
12 there was some chiefs and members of the press that were
13 present at the Central Park Precinct; is that correct?

14 A Yes.

15 Q And is that unusual to see top brass at the Central
16 Park Precinct during an arrest?

17 A There is not a lot of arrests there, so, but yeah,
18 I would say it is. Slight.

19 Q Under normal circumstances would it be unusual to
20 see a high member of the brass at any precinct when youths
21 are arrested?

22 MS. LEDERER: Objection.

23 THE COURT: I'll allow it.

24 A It depends on the precinct.

25 Q Are there some precincts where this would not be

E. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera)

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2 unusual?

3 MS. LEDERER: Objection.

4 A Yes.

5 Q What about the Central Park Precinct, is this
6 unusual at the Central Park Precinct?

7 A Slightly, yes.

8 Q And the same applies for the members of the press?

9 A Yes.

10 Q Is this the first time you make an arrest where you
11 have that kind of brass and that kind of press present?

12 A Yes.

13 Q And at what point in time were you apprised that
14 there case was going to have special significance within the
15 modus operandi of the Police Department.

16 MS. LEDERER: Objection.

17 THE COURT: Sustained.

18 Q Were there any Assistant District Attorneys present
19 at any time when you were involved in this case between
20 April the 19th and April the 20th?

21 MS. LEDERER: Objection.

22 THE COURT: I'll let him answer.

23 A Yes.

24 Q And would that about A.D.A. Lederer?

25 A Yes.

H. C. Davis

1 T-3 Reynolds-Pol-cross (Rivera) 911

2 C. And was there also an A.D.A. Fairstein?

3 D. Yes.

7 A I don't think so.

8 Q And when for the first time did you see an
9 Assistant District Attorney on this matter?

10 A The night of the 20th.

11 Q Prior to the evening of the 20th, you had not seen
12 any A.D.A.s?

13 A Regarding this matter?

14 Q Regarding this case.

15 A NO.

16 Q Did you see them in the building or any other
17 buildings involved in the case?

18 A No.

19 Q Prior to the 20th?

20 A No.

21 Q Officer, you testified that you spoke to a police
22 officer Alvarez; is that correct?

23 A Yes.

24 Q And police officer Alvarez informed you of an
25 assault on an individual; is that correct?

H. C. Davis

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People Reynolds Redirect

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2 has to be somebody that we could call. That's when he told
3 me the other number to his sister.

4 Q You were asked by Mr. Rivera, when in the course
5 of your work on this case, was the first time that you saw
6 someone from the District Attorney's Office? When was that?

7 A That was the next night, the night of the 20th.

8 Q Where was that?

9 A That was the 20th Precinct.

10 Q You were asked a series of questions by Mr. Rivera
11 regarding statements that Raymond Santana made to you at the
12 time that he was first detained by you and Officer Powers.
13 I believe, Mr. Rivera, was asking you about notes that you
14 made and a memo book, is that right?

15 Do you recall the exchange that I'm referring to?

16 A Yes.

17 Q For what reason did it strike you as significant
18 that no other information was offered by Raymond Santana at
19 that time regarding what he he said to you?

20 MR. BURNS: Objection.

21 THE COURT: Objection sustained.

22 MS. LEDERER: Can we approach for a minute?

23 THE COURT: Yes.

24 (Whereupon, a discussion was held at the
25 bench on the record as follows:)

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TZ-SC-TS

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1 Fairstein - People - Cross - Burns
2 representatives of the police department ask for your
3 assistance in connection with this investigation?

4 MS. LEDERER: Objection.

5 THE COURT: I'll allow it.

6 A Yes, they did ask for our assistance.

7 Q At what point was that?

8 MS. LEDERER: Objection.

9 THE COURT: I'll allow it.

10 A They first --

11 Q No. When was the first time they asked for the
12 assistance of the District Attorney's Office in relation to
13 this investigation?

14 A When I was called at nine o'clock on the morning of
15 the 20th, I was told I would be asked later in the day for
16 assistance.

17 Q You were called by a police department
18 representative?

19 A That's right.

20 Q And was it a person who was in charge of the
21 investigation?

22 MS. LEDERER: Objection.

23 THE COURT: I'll let her answer.

24 A It was one of the supervising officers, yes.

25 Q When you arrived at eight o'clock -- I'm sorry, 8:30

T2-SC-TS

4947

1 Fairstein - People - Cross - Burns

2 --

3 A A little after 8:30.

4 Q -- Ms. Lederer was already there, is that right?

5 A Yes.

6 Q And you went inside and went up to the 2nd floor
7 detective room?

8 A Yes, I did.

9 Q Ms. Lederer was there?

10 A Yes, she was.

11 Q Had any video begun?

12 A No.

13 Q Had any questioning or talking to people, had any of
14 that begun at the time that you arrived?

15 MS. LEDERER: Objection.

16 THE COURT: If she knows, I'll let her answer.

17 A Yes, it had.

18 Q At any time prior to your arrival, did you have
19 occasion to go to Metropolitan Hospital?

20 A No, sir.

21 Q And did you have an occasion to speak to the
22 officers who had -- the officers who had discovered the body
23 of the female jogger?

24 MS. LEDERER: At what point?

25 Q Prior to your arrival at the precinct, at

T2A-SC-TS

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1 Fairstein - People - Cross - Burns

2 approximately 8:30 in the evening of the 20th.

3 A Prior to my arrival, no.

4 Q Incidentally, the telephone call that you received
5 about nine o'clock, that was in relation to asking the
6 District Attorney's Office for assistance in connection with
7 the investigation relative to the female jogger?

8 A In part, yes.

9 Q You're the -- were any other units of the District
10 Attorney's Office called?

11 MS. LEDERER: Objection.

12 Q To your knowledge?

13 MS. LEDERER: Objection.

14 THE COURT: I'll allow it.

15 A Yes.

16 Q Well, you're the Head of the Sex Crimes Unit, right?

17 A Yes.

18 Q Was there any other sex crime that was being
19 investigated, in connection with Central Park?

20 MS. LEDERER: Objection.

21 THE COURT: Sustained.

22 Q Your participation, as the Chief of the Sex Crimes
23 Unit, when you were called, wasn't that in connection with the
24 investigation relative to the, to the female jogger?

25 A Yes.

T3-JM-TS

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1 Fairstein - People - Cross - Burns

2 Q Now, between 8:30 and 11:30, did you participate in
3 any questioning of any individuals?

4 A I questioned police officers.

5 Q Just officers.

6 A Right.

7 Q Now, at 11:30, you say, is the first time you --

8 MR. BURNS: Withdrawn.

9 Q At what point in time -- at what point in time did
10 you -- were you aware of the fact that Yusef Salaam was in the
11 20th Precinct?

12 A I have -- I would put it in the 11 o'clock period,
13 but it was between 11 and 11:30.

14 Q And do you have any -- can you tell the Court who
15 told you, or how you came by that information?

16 A I was in a room with a lot of police officers, and,
17 as different events unfolded that evening, because there were
18 many participants, and a lot of police activity, people would
19 enter the room to tell some of the supervisors what was going
20 on.

21 Q And I believe -- and you were functioning as a
22 supervisor?

23 A No. I'm talking about police supervisors.

24 Q But you were working along with the supervisors,
25 were you not?